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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,592	09/08/2003	Yet Chan	LWC0102PUSA	5626
22045	7590	03/25/2004	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			WALTON, GEORGE L	
			ART UNIT	PAPER NUMBER
			3753	

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/657,592	Applicant(s) CHAN, YET	
	Examiner George L. Walton	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-16, 18-21, 23, 25-28, and 31-35 is/are rejected.
- 7) ☐ Claim(s) 10, 17, 22, 24, 29, 30 and 36-42 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 11-16, 18 and 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Phillips et al. Elements 18 and 30 are readable on the inlet and main fluid passage. The main valve is readable on element 40 and the secondary valve is readable on element 55. The internal chamber is readable on elements 42 and 44. Element 23 is readable on the outlet and the secondary outlet is readable on elements 52 and 57. The threaded secondary passage or conduit is readable on element 50. Further the secondary valve pin that is controlled or actuated by the float control member 16 is readable on element 550. Clearance 3040 provides the fluid pressure that act on the main valve 40 and secondary valve 55.

Claims 1-3, 11-13, 15 and 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Hudson. Elements 15 and 16 are readable on the fluid inlet and main fluid passage, and element 25 is readable on the internal chamber. Elements 40 and 54 are readable on the secondary fluid passage. The fluid outlet is readable on elements 36, 46, 48 and 52. The main valve is readable on element 24 and the secondary valve is readable on element 50. The float control member is readable on element 20.

Claims 1-8, 11-12, 14-16, 18, 20-21, 25-28 and 31-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Gil. The main valve is readable on element 52 and the secondary valve is readable on element 64. The valve pin is readable on elements 62 and 66, which is actuated by the control float 16 through the float lever 18. The first fluid passage is readable on elements 26 and 30. The secondary fluid

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passage is defined by elements 58 and 60. Element 54 is readable on the inverted cup shape of the secondary valve with an extending conduit or skirt 54 with the interior outlet passage 60. The upper part of skirt 54 abuts seat 34. The sleeve and inverted body cup enclosure is readable on element 40 with an internal chamber that the secondary valve and main valve is disposed within. Also, the upper pointed configuration is smaller than the legs that define the openings 38 and 44. The secondary outlet is defined as element 28. Note that the claimed ribs are readable on the extensions that define the fluid openings 38 and 44. The secondary valve and main valve are exposed to the inlet pressure through the longitudinal grooves 46. Further, the upper cavity is defined by the cavity that element 64 is disposed within, as well as, the upper portion of the internal chamber of element 40. The lower cavity is readable on the lower portion of the chamber of element above seat element 34. Element 28 is readable on the outlet passage that the extended conduit 54 is disposed within.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gil in view of Hudson. The above claim is readable on the patent to Gil with the single exception of having a rectilinear traveling float with a needle valve element. The patent to Hudson teaches the above exception. In view of the teaching of Hudson, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to provide a specific valve element float member to Gil as recited in the above exception, as taught by elements 20 and 50, if desired. Such a modification would provide no unobvious or unexpected result.

Claims 9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gil in view of Bartos et al (6,408,869). The above claims are readable on the patent Gil with the single exception of having a spring for biasing a main valve member towards an open position spaced from its valve seat of a float fill valve assembly. The patent to Bartos et al teaches the above exception. In view of the teaching of Bartos et al, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to provide the above exception to the device of Gil as taught by element 11, if desired. Such teaching provides no unobvious or unexpected result.

Allowable Subject Matter

Claims 10, 17,22, 24, 29-30 and 36-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George L. Walton whose telephone number is 703-308-2596. The examiner can normally be reached on M-F, 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 703-308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-746-4603.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George L. Walton
Primary Examiner
Art Unit 3753

GLW